

## Claims Listing:

1. (Currently Amended) A method ~~for measuring the performance of a scalable network~~ comprising:
  - preparing a network under test for testing;
  - establishing a static Internet Protocol (IP) routing path for a session to be tested;
  - sending, by a packet generator at a first end of the static IP routing path, a constant stream of packets through the network under test;
  - counting a number of packets received by a packet count unit at a second end of the static IP routing path, where the counting is performed without examining the contents of a received packet; and
  - establishing a peak performance rate as the highest rate at which packets can be sent from the packet generator to the packet count unit with no packet dropout.
- 2-4. (Cancelled)
5. (Previously Presented) The method of claim 1, where sending a constant stream of packets includes sending a constant stream of packets over an OC-3 level network.
6. (Previously Presented) The method of claim 1, where sending a constant stream of packets includes sending the constant stream of packets over an OC-12 level network.
7. (Previously Presented) A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to

perform a method for measuring the performance of a scalable network, said method comprising:

- establishing a static Internet Protocol routing path between a packet sender and a packet receiver for a session to be tested;

- sending, by the packet sender, a constant stream of packets to the packet receiver;

- counting, at the packet receiver, the number of packets received at the packet receiver, where the counting is performed without examining the contents of a received packet; and

- establishing a peak performance rate as the highest rate at which packets are received at the packet receiver with no packet dropout.

8-12. (Cancelled)

13. (Previously Presented) An apparatus for measuring the performance of a scalable network comprising:

- means for preparing the network for testing;

- means for establishing a routing path for a session to be tested wherein said routing path is a static IP route having a server at a first end of said route and a client node at a second end of said route;

- means in a server for sending a constant stream of packets to a client node;

- means in said client node for counting said packets received by said client node; and

- means for establishing a peak performance rate as the highest rate with no packet dropout.

14-18. (Cancelled)

19. (Previously Presented) A system for measuring the performance of a scalable network comprising:

a packet generator in a source node at a first end of a static IP route for providing test packets to a network under test;

a packet count unit in a client node at a second end of said static IP route for counting test packets received by said client node from said network under test; and

wherein said test packets are provided in a constant stream to said network under test and wherein a peak performance rate of said network under test is established as the maximum receive rate at a particular packet size with no packet dropout.

20-24. (Cancelled)

25. (Original) The system of claim 20, wherein said network under test includes two Fast Ethernet pathways.

26. (Original) The system of claim 21, wherein said network under test includes eight Fast Ethernet pathways.

27. (Original) The system of claim 21, wherein said network under test includes at least two Gigabit Ethernet pathways.

28. (Original) The system of claim 21, wherein said network under test includes four OC-3 pathways.

29. (Original) The system of claim 19, wherein said packet generator is configured using Pagent software.

30. (Original) The system of claim 19, wherein said system is configured to download a test configuration file from a TFTP server.